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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,107

10/30/2006

Satoshi Hashimoto

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EXAMINER

DANG, HUNG Q

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

11/13/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,107	<b>Applicant(s)</b> HASHIMOTO ET AL.	
	<b>Examiner</b> Hung Q. Dang	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/25/2009 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 08/25/2009 have been fully considered but they are not persuasive.

On page 5, Applicant argues that, (1) Jung discloses "If the multimedia elements included in the interactive contents are not synchronized with the AV contents, JUNG further discloses the multimedia elements are reproduced independently of the interactive control command."

In response, Examiner respectfully submits that, according to Jung's teachings, the case where the multimedia elements are reproduced independently of the interactive control command occurs only when "the multimedia elements included in the interactive contents are not synchronized with the AV contents." But at least for the case where the multimedia elements included in the interactive contents are reproduced in synchronization with the AV contents as described at least in column 6, lines 56-60, the claimed invention is read on Jung because when they are produced in synchronization,

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their reproductions are caused to agree in time. That cannot happen when they run independently on their own independent or unrelated time axis's.

On page 6, Applicant argues that, in contrast with Jung's teachings, the current claims require, "the claimed plurality of images and the video currently being played are synchronized by using a single time axis, the single time axis specifying a current position of the video."

In response, Examiner respectfully submits that when disclosing the multimedia elements, which comprises of plurality of images, to be reproduced in synchronization with the AV contents, Jung in fact does disclose the above feature since synchronization of the reproductions of the multimedia and the AV contents cannot happen when they run on two independent time axis's.

On pages 6-7, Applicant argues that, "as Jung does not recite how the synchronized multimedia element reproducing engine 15 selects and reproduces the images of the multimedia elements when the time table information in the form of VOB is not necessary, one of ordinary skill in the art at the time the invention was made would not have arrived at the claimed image selector using the teachings of Jung in view of Kikuchi."

In response, Examiner respectfully submits that, although Jung does not disclose how the multimedia elements are reproduced in synchronization with the DVD AV contents, i.e. how to achieve that, the fact that the reproduction of the multimedia elements is based on a specified location on the time axis relating to the playback timing of the video currently being played still holds for the reasons set forth above.

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Further, when the AV contents and the images in the multimedia elements are played back synchronously, it is naturally inherent that at least one image of the images in the multimedia elements is selected to be rendered together with a corresponding time location of the AV contents. This requires "rendition time" of both streams being known. And Jung clearly suggests that both of these streams have time table information in the form of VOBUs at column 6, lines 56-60. The use of Kikuchi as a secondary reference is simply to illustrate the fact that the time table information in form of VOBUs is to provide values of time data on a time axis, on which playback time of the data is to be determined. The Examiner also relied on Kikuchi for disclosing "rendition time" as defined in the VOBUs simply as an evidence that VOBUs of conventional video streams do have playback time information to indicate when to play back an image in the VOBUs, which is obviously the claimed "rendition time".

Finally, to provide an illustration of how synchronized reproductions of two data streams require a single time axis, which also specifies a current position of the video, Examiner respectfully direct Applicant at least to Figs. 39-40 and paragraphs [0282]-[0283] of Kato (US 2002/0145702), which shows a starting point of reproduction of another stream is "attached" to a specified location of a single time axis of reproduction of a main stream by clocking the clocks of one stream to the clocks of another stream.

For the reasons set forth above, the rejections stand as presented in details below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jung et al. (US Patent 7,401,100 – hereinafter Jung) and Kikuchi et al. (US Patent 5,870,523 – hereinafter Kikuchi).**

Regarding claim 1, Jung discloses a playback apparatus for playing a video stream recorded on a recording medium (*column 3, lines 32-35*), the recording medium including a computer program that is to be executed during playback of the video stream (*column 3, lines 32-35; column 4, lines 62—column 5, line 6; column 7, lines 34-44*), the video stream including control information in form of VOB time tables (*column 6, lines 56-63*), and the computer program including predetermined codes for designating a plurality of images and time information in form of VOB corresponding to each image (*column 4, lines 49-51; column 5, lines 45-49; column 6, lines 63-65; column 6, lines 56-63*), the playback apparatus comprising: a storage (“Content Buffer 12” in Fig. 1); a player successively plays the video according to the control information (*column 6, lines 56-63*); a program executor that interprets and executes the predetermined codes for storing the designated plurality of images and the time table in form of VOB corresponding to each image in the storage (*column 4, lines 49-51; column 5, lines 45-49; column 6, lines 63-65; column 6, lines 56-67; column 3, lines 36-*

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38; *"Content Buffer 12" in Fig. 1*); an image selector that selects at least one image of the plurality of images to be rendered based on a specified location that is a location in the VOB time table of the video currently being played, which is specified based on the control information, and time information in form of VOB corresponding to each image stored in the storage memory (*column 4, lines 49-51; column 6, lines 56-67; also see "Response to Arguments" above*); and a renderer that renders the selected at least one image during playback of the video (*column 4, lines 51-55*).

However, Jung does not explicitly disclose the time table in form of VOB for specifying a location on a time axis relating to playback timing of the video stream, and the time table in form of VOB comprises rendition time corresponding to each image.

Kikuchi discloses the video stream including control information as time table in form of VOB for specifying a location on a time axis relating to playback timing of video of the video stream (*column 18, line 44 – column 9, line 4*), and the time table in form of VOB comprises rendition time corresponding to each VOB (*column 18, line 44 – column 9, line 4*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the time table in form of VOB for specifying a location on a time axis relating to playback timing of video of the video stream and comprising rendition time disclosed by Kikuchi into Jung in order to make the playback apparatus capable of playing back video streams and images in accordance with MPEG existing standards.

Claim 8 is rejected for the same reason as discussed in claim 1 above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621